



Express Mail Label No.: EV 463 104 728 US

Date of Deposit: July 7, 2005

Attorney Docket No. 25739-027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James M. Leventhal
Serial No.: 10/649,592
Filed: August 26, 2003
For: FLUID DISPENSING DEVICE

Examiner: Davis D. Hwu
Art Unit: 3752

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION
REQUIREMENT MAILED MAY 6, 2005

Sir:

Responsive to the Restriction Requirement mailed May 6, 2005, Applicant submits this response to the issues raised therein.

The Examiner's Restriction Requirement indicates the present application identifies patentably distinct species of the claimed invention as follows:

- Species 1: Figures 1-5 and 6;
- Species 2: Figures 5A and 5B; and
- Species 3: Figures 7 and 8.

Therefore, the Examiner indicates that Applicant is required pursuant to 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, the Examiner indicates that none of the claims appear to be generic.

Election of Species Pursuant to 35 U.S.C. § 121

In accordance with the Examiner's request, Applicant elects pursuant to 35 U.S.C. § 121 Species 1 directed to Figures 1-5 and 6 without traverse.

Preliminary Amendments to Claims Pursuant to 37 C.F.R. § 1.121(c)

Prior to examination of the present application, Applicant respectfully requests amendment of the claims as provided below. Specifically, Applicant respectfully requests amendment of claims 1, 6, 9-15, 18-19 and 21, and respectfully requests cancellation of claims 2-5, 7-8, 20, and 22-27, as provided below. In addition, Applicant respectfully requests the addition of new claims 28-29 to the present application, as provided below.

Applicant believes the requested amendments to the claims conform to the species election made herein, and requests the Examiner's input if the amended and new claims provided below are not in conformance with such species election.